THE NEW YORK TIMES, SUNDAY, FEBRUARY 23, 1975

Data on Oswald Apparently Withheld From Key Warren Investigation Aides

By BEN A. FRANKLIN
Special to The New York Times

WASHINGTON, Feb. 22—J. Edgar Hoover sent a memorandum to the State Department in 1960 raising the possibility that an impostor mightbe using the credentials of an American defector named Lee Harvey Oswald, who was then in the Soviet Union.

This memo from the director of the Federal Bureau of Investigation and two subsequent State Department memos related to it were apparently not shown to key investigators of the Warren Commission, which examined the assassination of President Kennedy and determined that Oswald, acting alone, was the assassin.

The late Mr. Hoover's warning of the "possibility" that an impostor could be using Oswald's identification data, in the Soviet Union or elsewhere, came more than two years before the murder of the American President in Dallas on Nov. 22, 1963. The impostor theory [illegible] rejected, by implication [illegible] not directly, in the pub[illegible]d report of the Warren [illegible]mission, and its signifi[illegible]e could not be determined.

Body Identified as Oswald

The body of the man who the commission concluded had shot the President—and who was shot to death by Jack Ruby two days later—was identified by his mother and other relatives and also by fingerprints and other physical features as that of Lee Harvey Oswald.

But the apparent withholding of information from the commission investigators responsible for checking Oswald's activities in foreign countries supported a theory of some critics of the commission's final report that the panel had come to its conclusion regarding Oswald without having had all the facts.

A spokesman for the F. B. I. said, in response to questions, that "we can definitely state, without hesitation, that a copy of the Hoover memo was shown to a member of the Warren Commission staff in the presence of an F. B. I. agent." However, the spokesman said that he could not identify the commission staff member to whom the memo reportedly had been shown. Neither J. Lee Rankin, the former general counsel of the commission, nor any of his former staff aides who were most involved in investigating Oswald's background said they could remember seeing it.

[illegible]owever, Howard P. Willens, [illegible] a private lawyer here, [illegible]ntified himself in an inter[illegible]w today as the commission [illegible]awyer who had reviewed the F.B.I. file. Mr. Willens, who was then the commission's special liaison officer to the Justice Department, said today that "while I do not think that anyone can state now with the necessary precision whether or not he saw the Hoover memo, it is my best recollection that I did, in fact, see that memo."

"I do not want to be in a public debate with my old colleagues," Mr. Willens said, "but I know that there was discussion of this among others on the staff concerned with the activities of Oswald abroad. I am concerned with continued public references to the notion that the commission overlooked obvious facts."

Suggests Reopening Inquiry

Shown the F.B.I. memos and the two State Department documents—discovered in the National Archives here by a private researcher—W. David Slawson, a lawyer who checked out rumors about Oswald for the commission in 1964, said he thought the assassination inquiry should be reopened.

Mr. Slawson, who is now a law professor at the University of Southern California, said he and other investigators had never been shown the memos.

"We were the rumor runner-downers, and we certainly should have seen this material, as we did a great deal of other stuff that we showed to be unfounded," he said.

"It may be more significant that we did not see it, in terms of a possible cover-up and the reasons for it, than if we had seen it," he continued. "I mean, I don't know where the impostor notion would have led us—perhaps nowhere, like a lot of other leads. But the point is we didn't know about it. And why not?"

Two other commission staff members shared with Mr. Slawson the responsibility for checking out rumors. Neither recalled specifically having seen the memos, but they tended to discount any thought of a renewed investigation.

One of them, Dr. Alfred Goldberg, who wrote the gossip-puncturing "Speculations and Rumors" section of the commission's report, said in an interview:

"I don't have any recollection of having seen that [Hoover] memorandum. As a matter of fact, I am fairly certain I didn't.

"While I think we might have done more had we seen it—we might have engaged in more research, we might have looked for more, we might have asked for more from the State Department and the F.B.I.—in terms of the outcome, I don't believe it would have made any difference."

William T. Coleman Jr., who was Mr. Slawson's immediate superior at the commission, and who was nominated last month by President Ford to be Secretary of Transportation, was asked during an interview whether he had seen the memos.

"It's been 10 years," he said, "and I don't remember one way or the other."

He recalled, however, that his duties "required me to see everything that Oswald had done as a defector to the Soviet Union."

Mr. Hoover's memo was dated June 3, 1960. Its contents suggest that the F.B.I. director raised the possibility of an impostor because of certain facts the memo recounts.

It cited a Foreign Service dispatch concerning Oswald's declaration in Moscow on Oct. 31, 1959, that he would renounce his citizenship and noted t[illegible] he had surrendered his pa[illegible]port.

It also cited a report of [illegible] F.B.I. agent in Dallas of May 12, 1960, which said that Oswald's mother, Marguerite C. Oswald, "stated subject had taken his birth certificate with him when he left home."

The agent's report indicated that Mrs. Oswald was apprehensive about her son's safety because she had written him three letters and they had all been returned to her undelivered.

Mr. Hoover concluded: "Since there is a possibility that an impostor is using Oswald's birth certificate, any current information the Department of State may have concerning subject will be appreciated."

Two internal State Department memos transmitted Mr. Hoover's warning. One, dated June 10, 1960, went to the department's Soviet desk. The

other, dated March 31, 1961, was sent from one section of the Passport Office to another.

Concern on Passport

The latter memo indicated concern that a revalidated passport to be issued to Oswald in preparation for his return to the United States in June, 1962, not be mailed to him through the Soviet postal system but be delivered to him "only on a personal basis" at the Embassy in Moscow.

The Warren Commission subsequently developed that in July, 1961, Oswald's passport was handed back to the man who Moscow Embassy officials were satisfied was the same Oswald they had first met in 1959, when he angrily announced his intention to renounce his citizenship. The State Department had ruled by then that he had not given up his citizenship.

None of these documents—not the Hoover memo nor either of the State Department memos—was in the department's Oswald file as it was given to the Warren Commission in 1[illegible] according to Mr. Slawson.

After the commission [illegible] lished its report, thousands of pages of unpublished commission records were declassified by the State Department and placed on public file in the National Archives.

Among them J. G. Harris, a 45-year-old New Yorker who has spent nearly a decade in Kennedy assassination research, found the Hoover and State Department memos.

How the memos came to be missing from the State Department's Oswald file given to the commission but included in the same file placed in the Archives remains unclear.

At the State Department, a spokesman said there would be no comment because all former officials who might have knowledge of the Oswald file had died or retired.

Mr. Slawson, citing recent disclosures about domestic activities of the Central Intelligence Agency, said:

"It conceivably could have been something related to the C.I.A. I can only speculate now, but a general C.I.A. effort to take out anything that reflected on them may have covered this up." Mr. Slawson added that he had been "impressed at the time with the intelligence and honesty of the C.I.A. people I dealt with."

Denial by C.I.A.

A C.I.A. spokesman denying that the agency had ever had any connection with Oswald, said the agency had no record of ever having seen the Hoover memo and had not engaged in a cover-up.

A former State Department official who was familiar with the Oswald file suggested that Mr. Hoover himself might have ordered his memo removed from the file before it was sent to the commission, to avoid embarrassing the bureau.

The former official, Richard A. Frank, now a lawyer here with the Center for Law and Social Policy, said in an interview that as the department's assistant legal adviser in 1963-64 he had been unaware of the Hoover memo, although he had a major responsibility for assembling the Oswald records sent to the commission.

He said it seemed possible that the memo "was so unsupportable by anything the F.B.I. had on Oswald that, when the Oswald file suddenly became the object of a most intensive search and review, Mr. Hoover and his friends in the security operation at State simply made it disappear."

A former senior F.B.I. official who worked on the assassination inquiry said in an interview that he could not recall such a memo as part of the case file.

Abram Chayes, the State Department's legal adviser in 1964, who assured the commission in testimony then that "very aggressive efforts" had been made to collect and transmit the full Oswald file, was interviewed by telephone in Moscow, where he was attending a legal conference.

He said he had no memory of any imposter memo in the State Department files. He recalled that Mr. Kennedy had died at about 2 P.M. Washington time and said that if any Oswald documents had been taken from the files before he and his assistants took custody of them and placed them under guard that night, "somebody would have had to be thinking awfully hard and moving awfully fast."

"I am absolutely certain," he said, "that we gave the commission all the documenta[illegible] that was in the files [illegible]"